

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of COLBY CHARLES EMBRY,  
CLARA EMBRY, and TALBERT CONEY II,  
Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

VALERIE EMBRY,

Respondent-Appellant,

and

TALBERT CONEY, SR.,

Respondent.

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UNPUBLISHED

June 15, 2006

No. 267235

Calhoun Circuit Court

Family Division

LC No. 2004-004550-NA

Before: Davis, P.J., and Sawyer and Schuette, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondent-appellant's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The conditions leading to adjudication were respondent-appellant's drug abuse and incarceration, and the children's consequent lack of supervision and proper parenting; the same conditions present in respondent-appellant's 2000 child protective proceeding. The initial disposition in this proceeding occurred on June 24, 2004, and more than 182 days elapsed between initial disposition and the December 2, 2005 termination hearing.

The trial court did not violate respondent-appellant's right to due process by ordering termination of her parental rights absent the requisite proof of parental unfitness. The trial court based its decision on evidence spanning five years that showed that respondent-appellant could not maintain sobriety for any significant length of time or properly parent the children, and that

she relapsed into drug use and improper supervision as soon as her children were returned to her care. Respondent-appellant appeared to benefit from services but regressed absent constant intervention. The goal of services was to enable respondent-appellant to make a permanent lifestyle change and become able to parent independently. Respondent-appellant's psychological evaluation noted that she was not likely to make any significant changes in terms of her overall personality, and the evidence showed that respondent-appellant, despite temporary progress, was not able to sustain a lifestyle change enabling her to remain drug-free and become an effective parent.

Respondent-appellant's five-year pattern of drug treatment and relapse showed that there was no reasonable expectation that she would rectify her nearly 30-year drug addiction and sustain a lifestyle change allowing her to provide proper care or custody for the children within a reasonable time. The evidence indicated that respondent-appellant's lack of proper parenting had contributed to her sons' delinquency and sexual deviancy, and that repeated removal and return had harmed all of the children emotionally. Returning the children to her home would likely result in their further improper supervision and emotional harm.

Affirmed.

/s/ Alton T. Davis  
/s/ David H. Sawyer  
/s/ Bill Schuette